

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DUPREE LAMONT ADKINS,

Plaintiff,

No. 2:21-cv-0738 KJM DB P

v.

LORI W. AUSTIN et al.,

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 6, 2023, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within thirty days. (ECF No. 34.) Plaintiff has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

////

1”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed June 6, 2023 (ECF No. 34) are adopted in full;
5 2. Plaintiff’s claims against defendants Doe, Tan, and Austin are dismissed;
6 3. The Clerk of the Court is directed to indicate the dismissal of defendants Doe, Tan, and
7 Austin on the docket;
8 4. Plaintiff’s Fourteenth Amendment claim against defendant Pham is dismissed; and
9 5. This matter is referred back to the magistrate judge for all further pretrial proceedings.

10 DATED: August 21, 2023.

11 
12 CHIEF UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28